

1  
2  
3  
4  
5  
6  
7  
8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
10

11 STANLEY GREEN,

No. CIV S-04-1835-MCE-CMK

12 Petitioner,

13 vs.

ORDER

14 JAMES YATES, et al.,

15 Respondents.  
16 \_\_\_\_\_/

17 Petitioner, a state prisoner proceeding with appointed counsel and in forma  
18 pauperis, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On March  
19 3, 2005, the court granted petitioner's motion for appointment of counsel and set a status  
20 conference in this case. On August 11, 2005, the court continued the date for the status  
21 conference to October 11, 2005, and directed the parties to each submit a status conference  
22 statements at least two weeks prior to the status conference. Following the parties' failure to file  
23 status report, the court vacated the October 11, 2005, status conference and ordered the parties to  
24 show cause within 30 days why appropriate sanctions should not be imposed.

25 ///

26 ///

1 The parties, through their respective counsel, have each filed responses to the  
2 court's order to show cause setting forth excusable neglect for their failure to file status reports.  
3 Good cause appearing therefor, the court's October 6, 2005, order to show cause is discharged.

4 As part of respondents' response to the court's order to show cause, respondents  
5 offer their assessment of the status of this case. Petitioner has not offered his assessment.  
6 According to respondents, the petition appears to be timely, the entire record is available, all  
7 claims have been exhausted in state court, and no discovery or evidentiary hearing are  
8 anticipated. Respondents will, therefore, be directed to file a response to the petition. If  
9 respondents file an answer to the petition, the answer shall be accompanied by any and all  
10 transcripts or other documents relevant to the determination of the issues presented in the petition.  
11 See Rule 5, Fed. R. Governing § 2254 Cases.

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. The October 6, 2005, order to show cause is discharged;
- 14 2. Respondents shall file a response to petitioner's petition within 30 days  
15 from the date of service of this order; and
- 16 3. Petitioner's traverse, if an answer is filed, or opposition, if a motion is filed  
17 in response to the petition, is due within 30 days after service of respondents' answer or motion.

18  
19 DATED: October 17, 2005.

20  
21   
22 **CRAIG M. KELLISON**  
23 UNITED STATES MAGISTRATE JUDGE  
24  
25  
26